

REMARKS/ARGUMENTS

Claims 1-12 were rejected as unpatentable over TANG et al. 5,190,887. As a result of the present amendment, independent claim 2 and claims 5, 7 and 9 dependent therefrom remain in the application. Reconsideration and withdrawal of the rejection of these claims are respectfully requested.

The Official Action did not consider the patentability of the dimensions of claim 3 because they are not shown to be critical. However, it is believed that the present application does show the criticality of the claimed dimensions in Figure 8 and pages 12-13. As noted at page 15, lines 11-13, one of the advantages of the present invention is that, when an adjacent memory cell is not a selected memory cell, data error writing to the adjacent memory cell does not occur. One of skill in the art will recognize the advantage of avoiding writing to an adjacent, unselected, memory cell. The relationship of the size of the overlap to this advantage is discussed at pages 12-13. As noted therein and shown in Figure 8, the overlap "a" of the drain and the floating gate should be larger than the overlap "b" of the source and the floating gate by about 0.02  $\mu$ m or more in order to achieve a time difference of one digit between the data writing time (associated with the overlap "a") and the data error writing time (associated with overlap "b"). As noted at page 12, line

21, the time difference is required to be more than one digit. As shown in Figure 8, this time difference is achieved when the relation between the overlaps "a" and "b" set forth in claim 2 is achieved.

The inventor has recognized for the first time that the claimed overlap difference is a result effective variable. TANG et al. do not recognize the overlap difference as a result effective variable and there is no suggestion, motivation, teaching or reason for one of skill in the art even to attempt to optimize the overlap difference.

Claim 16 finds support at page 12, lines 28-30, and claim 17 finds support at page 13, lines 2-14. With regard to claim 17, note that data error writing does not occur at all when the overlap difference is more than 0.05  $\mu$ m.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

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The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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